

Panaji, 21st October, 1976 (Asvina 29, 1898)

SERIES I No. 30

OFFICIAL GAZETTE



GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Home Department (Transport and Accommodation)

Notification

HD(T)/8-5/76

The following draft amendment which is proposed to be made to the Goa, Daman and Diu Motor Vehicles Tax Rules, 1974 is hereby pre-published as required by sub-section (1) of section 24 of the Goa, Daman and Diu Motor Vehicles Tax Act, 1974 (8 of 1974), for information of the persons likely to be affected thereby and notice is hereby given that the said draft amendment will be taken into consideration by the Government on the expiry of thirty days from the date of publication of this Notification in the Official Gazette.

All objections and suggestions to the draft amendment may be forwarded to the Under Secretary to the Government of Goa, Daman and Diu, Home Department, Secretariat, Panaji, before the expiry of thirty days from the date of publication of this Notification in the Official Gazette.

DRAFT AMENDMENT

In exercise of the powers conferred by clause (f) of sub-section (2) of section 24 of the Goa, Daman and Diu Motor Vehicles Tax Act, 1974 (8 of 1974), and all other powers enabling him in that behalf, the Administrator of Goa, Daman and Diu hereby makes the following rules so as to further amend the Goa, Daman and Diu Motor Vehicles Tax Rules, 1974, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Goa, Daman and Diu Motor Vehicles Tax (Fourth Amendment) Rules, 1976.

(2) They shall come into force at once.

2. *Amendment of rule 22.*— In the Goa, Daman and Diu Motor Vehicles Tax Rules, 1974, in sub-rule (1) of rule 22, after clause XII, the following shall be inserted, namely:—

“(xiii) Motor Vehicles solely used for the purpose of refuelling of aircrafts at the Airport and which are exclusively kept and used within

the Airport Complex, subject to the conditions that they do not ply on any public road Whole”.

By order and in the name of the Administrator of Goa, Daman and Diu.

G. M. Sardessai, Under Secretary (Home).

Panaji, 13th October, 1976.

Legislative Assembly of Goa, Daman and Diu

Legislature Department

LA/B/7/20/2738/76

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 13th October, 1976 is hereby published for general information in pursuance of the provisions of Rule 136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa, Daman and Diu Motor Vehicles Tax (First Amendment) Bill, 1976

(Bill No. 20 of 1976)

A BILL

to amend certain provisions of the Goa, Daman and Diu Motor Vehicles Tax Act, 1974.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty-seventh Year of the Republic of India, as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa, Daman and Diu Motor Vehicles Tax (First Amendment) Act, 1976.

(2) It shall come into force at once.

2. *Amendment of the Schedule.*— In the Schedule appended to the Goa, Daman and Diu Motor Vehicles Tax Act, 1974 (8 of 1974), in Clause A, —

(i) after sub-clause I, the following sub-clause shall be inserted, namely:—

“IA. Motor cycles used for hire ... Rs. 60.00”;

(ii) in sub-clause IV below the item “Auto Rickshaws upto 2 seats” the following new item shall be inserted namely:—

“Auto Rickshaws upto 2 seats used for hire Rs. 90.00”.

Statement of Objects and Reasons

It is proposed to allow motor cycles to ply on hire, after granting them necessary contract carriage permits under section 51 of the Motor Vehicles Act, 1939, since such mode of transport will be very economical to the travelling public taking into account the present increase in the cost of petrol and spare parts of other commercial vehicles.

Therefore, it is necessary to prescribe different rates of taxation for motor cycles plying on hire and motor cycles used for private purposes. Likewise, it is necessary to prescribe different rates of taxation for autorickshaws having capacity of 2 seats used for hire.

The Bill seeks to achieve the above purposes.

Financial Memorandum

The Bill does not entail additional expenditure as only the rates of tax prescribed for motor cycles and autorickshaws, to be used as contract carriages will be raised. The tax will be recovered by the existing machinery only viz: the Directorate of Transport. Assuming that about 600 motor cycles are authorised to ply on hire by way of granting contract carriage permits, and with the enhanced rates of taxation on autorickshaws having capacity of 2 seats used for hire, the anticipated additional revenue from the proposed tax will be in the vicinity of Rs. 15,000/- per annum.

Panaji, SHASHIKALA KAKODKAR
20th September, 1976 Chief Minister

Assembly Hall, M. M. NAIK
Panaji, Secretary to the Legislative Assembly
24th September, 1976 of Goa, Daman and Diu

(Annexure to Bill No. 20 of 1976)

The Goa, Daman and Diu Motor Vehicles Tax
(First Amendment) Bill, 1976

The Goa, Daman and Diu Motor Vehicles Tax Act, 1974
(Act No. 8 of 1974)

SCHEDULE

Schedule of Taxation

(Section 3)

Class of Motor Vehicles	Maximum annual rate of tax
A. Motor Vehicles fitted solely with pneumatic tyres.	
I. Motor cycles and tricycles (including motor-scooters and cycles with attachment for propelling the same by mechanical power)	
(a) upto half horse power ...	Rs. 15-00
(b) more than half horse power ...	Rs. 40-00
(c) for every side car attached ...	Rs. 5-00
	(In addition to rates specified the above)

(d) tricycles:

For every 25 Kgs. weight or part thereof ... Rs. 12-00

II. Motor vehicles not exceeding 25 Kgs. in weight unladen adapted for use for invalids ... Rs. 6-00

III. Goods Vehicles:

For every 100 Kgs. of registered laden or part thereof:

(i) driven on fuel other than diesel Rs. 15-00

(ii) driven on diesel ... Rs. 18-00

IV. Taxis and Auto Rickshaws:

Taxis —

a) Upto 3 seaters ... Rs. 225-00

b) Upto 4 seaters ... Rs. 250-00

c) Upto 5 seaters ... Rs. 270-00

For every additional seat up to a maximum of 7 seats ... Rs. 25-00

Auto Rickshaws up to 2 seats ... Rs. 60-00

Assembly Hall,

Panaji,

24th September, 1976

M. M. NAIK

Secretary to the Legislative Assembly
of Goa, Daman and Diu

LA/B/7/22/2739/76

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 13th October, 1976 is hereby published for general information in pursuance of the provisions of Rule 136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa, Daman and Diu Anatomy Bill, 1976

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The Goa, Daman and Diu Anatomy Bill, 1976

(Bill No. 22 of 1976)

A

BILL

to provide for the supply of unclaimed dead bodies of deceased persons to hospitals and medical and teaching institutions for therapeutic purposes or for the purpose of anatomical examinations or dissections.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty-seventh Year of the Republic of India as follows:—

1. **Short title, extent and commencement.**—(1) This Act may be called the Goa, Daman and Diu Anatomy Act, 1976.

(2) It extends to the whole of the Union territory of Goa, Daman and Diu.

(3) This section shall come into force at once.

(4) The Government may by notification in the Official Gazette, direct that the remaining provisions of this Act shall come into force on such date and in such area as may be specified in the notification.

2. **Definitions.**—In this Act, unless there is anything repugnant in the subject or context—

(1) “approved institution” means a hospital or a medical or teaching institution approved by the Government for all or any of the purposes of this Act;

(2) “authorised Officer” means an Officer authorised to act under section 4;

(3) “Collateral consanguinity” means that which subsists between two persons who are descended from the same stock or ancestor, but neither of whom is descended in direct line from the other.

Note:—For the purpose of ascertaining in what degree of kindred any collateral relative stands to a person deceased, it is necessary to reckon upwards from the person deceased to the common stock and then downwards to the collateral relative, a degree being allowed for each person, both ascending and descending.

(4) “Government” means the Government of Goa, Daman and Diu;

(5) “Lineal consanguinity” means that which subsists between two persons, one of whom is descended in a direct line from the other, as between a man and his father, grandfather and great-grandfather, and so upwards in the direct ascending line; or between a man and his son, grandson, great-grandson and so downwards in the direct descending line;

Note:—(a) Every generation constitutes a degree, either ascending or descending;

(b) A person's father is related to him in the first degree, and so likewise is his son; his grandfather and grandson in the second degree; his great-grandfather and great-grandson in the third degree, and so on;

(6) “near relative” means any of the following relatives of the deceased, namely, a wife, husband, parent, son, daughter, brother and sister and includes, any other person who is related to the deceased (a) by lineal or collateral consanguinity within three degrees in lineal relationship, and six degrees in collateral relationship, or (b) by marriage either with the deceased or with any relative specifically mentioned in this clause or with any other relative within the aforesaid degrees;

(7) “prescribed” means prescribed by rules made under this Act;

(8) “unclaimed body” means the body of a deceased person who has no near relative or whose body has not been claimed by any of his near relative within such period as may be prescribed.

3. **Power of Government to authorise officers to act under section 4.**—The Government may, by notification in the Official Gazette authorise for the area in which this Act comes into force or any part thereof, one or more officers to whom a report shall be made under section 4 and who shall be competent to act under the said section.

4. **Unclaimed dead bodies to be used for therapeutic purpose or anatomical examination.**—(1) Where a person under treatment in a hospital whether established by or vesting in, or maintained by, the Government or any local authority, dies in such hospital and his body is unclaimed, the authorities in charge of such hospital shall with the least practicable delay report the fact to the authorised officer and such officer shall then hand over the unclaimed body to the authorities in charge of an approved institution for any therapeutic purpose or for the purpose of conducting anatomical examinations and dissection.

(2) Where a person dies at hospital other than a hospital referred to in sub-section (1) or in a prison and his body is unclaimed, the authorities in charge of such hospital or prison shall with the least practicable delay report the fact to the authorised officer who shall hand over the unclaimed body to the authorities in charge of an approved institution for the purpose specified in sub-section (1).

(3) Where a person having no permanent place of residence in the area where his death has taken place/dies in any public place in such area and his body is unclaimed, the authorised officer shall take possession of the body and shall hand it over to the authorities in charge of an approved institution for the purpose specified in sub-section (1).

(4) Where there is any doubt regarding the cause of death or when for any other reason the authorised officer considers it expedient so to do, he shall forward the unclaimed body to a police officer referred to in section 174 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974).

5. **Doubt or dispute whether person claiming body is near relative to be referred to Executive Magistrate and body to be preserved pending decision.**—

(1) If any doubt or dispute arises as to whether a person claiming the body of a deceased person under section 4 is a near relative of the deceased or not the matter shall be referred to the Executive Magistrate or such officer as may be appointed in this behalf by the Government and his decision shall be final and conclusive.

(2) Pending such decision, the authorised officer shall take all reasonable care and steps to preserve the body of the deceased person from decay.

6. **Penalty.**—Whoever disposes of, or abets the disposal of, an unclaimed body save as permitted by this Act, or obstructs any authority in charge

of an approved institution or an authorised officer from handing over, taking possession of, removing or using, such dead body for the purpose specified in the Act, shall, on conviction, be punished with fine which may extend to five hundred rupees.

7. Duty of Police and other officers to assist. — All officers and servants of the Police, Medical and Public Health Departments, all officers and servants in the employ of a local authority and all village officers and servants shall be bound to take all reasonable measures to assist the authorities and officers authorised under this Act in the discharge of their duties under this Act.

8. Protection of persons acting under the Act. — No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act.

9. Officers to be public servants. — All officers appointed or authorised to act under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act 45 of 1860).

10. Power to make Rules. — (1) The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the provisions of sub-section (1) such rules may prescribe the period within which a near relative shall claim the body of a deceased person.

(3) Every rule made under this section shall be laid as soon as may be after it is made, before the Legislative Assembly of the Union territory of Goa, Daman and Diu while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Assembly agrees in making any modification in the rule or the Assembly agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Statement of Objects and Reasons

Sufficient cadavers are otherwise not available for study by medical students. Also the cadavers kept in the mortuary are allowed to decompose and finally buried by the Municipality as nobody comes to claim the said cadavers.

By passing this Bill, unclaimed dead bodies will be made available for anatomical purposes. These cadavers are of those unfortunate people dying without any one to mourn their passing away and without funds to finance religious ceremonies. Similar enactments are in force in various other States.

Financial Memorandum

No financial implications are involved in the implementation of the Act.

Memorandum on Delegated Legislation

Clause 10 of the Bill enables the Government to frame rules for the purposes of the Act. This delegation is of normal character.

Panaji,
27th September, 1976

SHASHIKALA KAKODKAR
Chief Minister

Assembly Hall,
Panaji,
7th October, 1976.

M. M. NAIK
Secretary to the Legislative
Assembly of Goa, Daman and Diu

LA/B/7/23/2740/76

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 13th October, 1976 is hereby published for general information in pursuance of the provisions of Rule 136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa, Daman and Diu Excise Duty (Amendment) Bill, 1976

(Bill No. 23 of 1976)

A BILL

further to amend the Goa, Daman and Diu Excise Duty Act, 1964.

BE it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty-seventh Year of the Republic of India as follows:—

1. Short title and commencement. — (1) This Act may be called the Goa, Daman and Diu Excise Duty (Amendment) Act, 1976.

(2) It shall come into force at once.

2. Amendment of section 24. — In sub-section (2) of section 24 of the Goa, Daman and Diu Excise Duty Act, 1964 (5 of 1964) (hereinafter referred to as "the principal Act"), for the words and figures "Code of Criminal Procedure 1898", the words, figures and brackets "Code of Criminal Procedure, 1973 (Central Act 2 of 1974)" shall be substituted.

3. Amendment of section 30. — In section 30 of the principal Act, for the words "one thousand rupees or imprisonment for a term which may extend to one year", the words "two thousand rupees or imprisonment for a term which may extend to two years" shall be substituted.

4. Amendment of section 31. — In section 31 of the principal Act, for the words "five hundred rupees or with imprisonment which may extend to three months", the words "one thousand rupees or with imprisonment which may extend to six months" shall be substituted.

5. Amendment of section 32. — In section 32 of the principal Act, for the words "five hundred rupees or with imprisonment which may extend to three months", the words "one thousand rupees or

with imprisonment which may extend to six months" shall be substituted.

6. **Amendment of section 33.**— In section 33 of the principal Act, for the words "one thousand rupees or with imprisonment which may extend to six months", the words "two thousand rupees or with imprisonment which may extend to one year" shall be substituted.

7. **Amendment of section 35.**— In section 35 of the principal Act, for the words "one thousand rupees", the words "two thousand rupees" shall be substituted.

8. **Amendment of section 36A.**— In sub-section (3) of section 36A of the principal Act,—

- (i) for the words and figures "Code of Criminal Procedure, 1898", the words, figures and brackets "Code of Criminal Procedure, 1973 (Central Act 2 of 1974)" shall be substituted;
- (ii) the figures and word "5 of 1898" shall be deleted;
- (iii) after sub-section (3), the following shall be inserted, namely:—

"(4) All offences punishable under this Act shall be cognizable and bailable."

Statement of Objects and Reasons

One of the items in the 12-Point Prohibition Programme, recommended for implementation by the Central Government, is to tighten up the existing legislation with a view to punishing the guilty more effectively. Undoubtedly, such a step shall also contribute to curb the tendency to commit offences. In the light of this, it has been decided to increase the existing quantum of punishment.

The present Bill seeks to carry out the aforesaid purpose.

Financial Memorandum

The Bill does not entail any additional expenditure.

Panaji,
6th October, 1976

SHASHIKALA KAKODKAR
Chief Minister

Assembly Hall,
Panaji,
8th October, 1976

M. M. NAIK
Secretary to the Legislative Assembly
of Goa, Daman and Diu

(Annexure to Bill No. 23 of 1976)

The Goa, Daman and Diu Excise Duty (Amendment) Bill, 1976

The Goa, Daman and Diu Excise Duty Act, 1964
(Act No. 5 of 1964)

24. **Power of certain officers to investigate into offences.**— (1) Any officer of the Excise Department not below such rank as may be prescribed may investigate into any offence punishable under this Act committed within the limits of the area in which such officer exercises jurisdiction.

(2) Any such officer may exercise the same powers in respect of such investigation as an officer in charge of a police station may exercise in respect of an investigation into a cognizable case under the provisions of the Code of Criminal Procedure 1898 and, if specially empowered in that behalf by the Government, such officer may for reasons to be recorded by him in writing, stop further proceedings against any person concerned in any such offence into which he has investigated.

30. **Penalty for contravention of provision.**— Whoever, in contravention of this Act, or of any rules or orders made thereunder, or of the conditions in any licence or permit obtained under this Act,—

- (a) imports, exports, transports or possesses any excisable article; or
- (b) manufactures or produces any excisable article or bottles liquor; or
- (c) constructs or works any distillery, brewery or pot still; or
- (d) uses, keeps, or has in his possession any materials, still, utensils, implements or apparatus whatsoever for the purpose of manufacturing any excisable article; or
- (e) sells any excisable article or foreign liquor; or
- (f) draws toddy from any tree,

shall, on conviction before a Magistrate, be punished for each such offence with—

- (i) imprisonment which may extend to three years, with or without fine, if the offence relates to intoxicating drug or opium as defined in clauses (kkk) and (oo) respectively, of section 2;
- (ii) a fine which may extend to one thousand rupees or imprisonment for a term which may extend to one year or with both, if the offence relates to any other matter:

Provided that in respect of any offence under clause (f), the amount of fine may be such lower figure as may be prescribed.

31. **Penalty for certain acts or omissions by holders of licence.**— Whoever, being the holder of a licence or permit granted under this Act or being in the employ of such holder and acting on his behalf,—

- (a) fails to produce such licence or permit on demand by any Excise Officer or any other officer duly empowered to make such demand; or
- (b) wilfully does or omits to do anything in breach of any of the conditions of his licence or permit not otherwise provided for in this Act; or
- (c) wilfully contravenes any rule made under section 22 of this Act; or
- (d) permits drunkenness disorderly conduct, riot or gambling in any place in which any liquor is sold or manufactured; or
- (e) permits persons of notoriously bad character to meet or remain in any such place,

shall, on conviction before a Magistrate, be punished for each such offence with fine which may extend to five hundred rupees or with imprisonment which may extend to three months or with both.

32. **Penalty for certain acts by holders of licence for sale or manufacture.**— Whoever, being the holder of a licence for the sale or manufacture of liquor under this Act, or being in the employ of such holder acting on his behalf,—

- (a) mixes or permits to be mixed with the liquor sold or manufactured by him any noxious drug or any foreign ingredients likely to add to its actual or apparent intoxicating quality or strength or to affect its purity;
- (b) sell or exposes for sale foreign liquor or Indian made foreign liquor which he knows or has reason to believe to be country liquor;
- (c) marks any bottle or its cork, or any case, package or other receptacle containing liquor manufactured from rectified spirit or country liquor with the intention of causing it to be believed that such bottle, case, package or other receptacle contains foreign liquor,

shall, on conviction before a Magistrate, be punished for each such offence with fine which may extend to five hundred rupees or with imprisonment which may extend to three months or with both.

33. *Penalty for possession of contraband excisable article.*—Whoever without lawful authority, has in his possession any quantity of excisable article knowing the same to have been unlawfully imported, transported or manufactured, or knowing that the prescribed duty has not been paid thereon, shall, on conviction before a Magistrate, be punished with fine which may extend to one thousand rupees or with imprisonment which may extend to six months or with both.

35. *Penalties for offences not otherwise provided for.*—Whoever is guilty of any act or intentional omission in contravention of any of the provisions of this Act, or of any rule or order made under this Act, and not otherwise provided for therein shall be punished for each such act of omission with fine which may extend to one thousand rupees.

36-A. *Cognizance of Offences:* (1) No Court shall take cognizance of an offence under this Act or under the rules made thereunder other than an offence under section 34 except on complaint made by the Commissioner or any other officer authorised by him either generally or specially in writing.

(2) No Court inferior to that of a Magistrate of the First Class shall try any offence under this Act or the rules made thereunder.

(3) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, any offence under this Act may be tried summarily.

Assembly Hall,
Panaji,
8th October, 1976.

M. M. NAIK
Secretary to the Legislative Assembly of Goa, Daman and Diu.

LA/B/7/24/2741/76

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 13th October, 1976 is hereby published for general information in pursuance of the provisions of Rule 136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa, Daman and Diu Money Lenders' Bill, 1976

(Bill No. 24 of 1976)

A BILL

to regulate and control the business of money lenders in the Union territory of Goa, Daman and Diu.

BE it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty-seventh Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—(1) This Act may be called the Goa, Daman and Diu Money Lenders' Act, 1976.

(2) It extends to the whole of the Union territory of Goa, Daman and Diu.

(3) It shall come into force at once.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) "bank" means a banking company as defined in section 5 of the Banking Regulation Act, 1949 (Central Act 10 of 1949), and includes the Reserve Bank of India, the State Bank of India, any corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertaking) Act, 1970 (Central

Act 5 of 1970) and any other banking institution notified by the Central Government under section 51 of the Banking Regulation Act, 1949 (Central Act 10 of 1949);

(b) "co-operative society" means a society registered or deemed to be registered under the Maharashtra Cooperative Societies Act, 1960 (Maharashtra Act No. 24 of 1961) as in force in the Union territory;

(c) "Government" means the Administrator appointed by the President under article 239 of the Constitution;

(d) "Inspector" means an Inspector appointed under section 10;

(e) "interest" includes the return to be made over and above what was actually lent, whether the same is charged or sought to be recovered specifically by way of interest or otherwise but does not include any sum charged by a lender in accordance with the provisions of this Act or any other law for the time being in force, for or on account of costs, charges or expenses;

(f) "licence" means a money-lender's licence granted under this Act;

(g) "loan" means an advance whether of money or in kind at interest, and includes any transaction which the Court finds in substance to amount to such an advance, but does not include:

- (i) a deposit of money or other property in a Government Post Office Savings Bank or in a bank or in a company as defined in the Companies Act, 1956 (Central Act 1 of 1956) or with a co-operative society;
- (ii) an advance made by a bank or a co-operative society or an advance made from a provident fund to which the Provident Funds Act, 1925 (Central Act 19 of 1925) applies;
- (iii) an advance made by the Government or any person authorized by the Government to make advances in their behalf, or by any local authority;
- (iv) an advance made by any authority specified by the Government by notification;
- (v) an advance made bona fide by any person carrying on any business, not having for its primary object the lending of money, if such loan is advanced in the regular course of such business;
- (vi) an advance made on the basis of a negotiable instrument as defined in the Negotiable Instruments Act, 1881 (Central Act 26 of 1881) exceeding rupees three thousand;
- (vii) an advance made to its members by any Nidhi or Permanent Fund registered under any law in force in India;
- (viii) an advance made under any Chit Fund Scheme;
- (ix) an advance made by an agriculturist to his tenant;

(h) a person shall be deemed to "molest" another person if he —

- (i) obstructs or uses violence to, or intimidates, such other person, or
- (ii) persistently follows such other person from place to place or interferes with any property owned or used by him or deprives him of or hinders him in the use of any property, or
- (iii) loiters at or near a house or other place where such other person resides, or works, or carries on business, or happens to be, or
- (iv) does any act calculated to annoy or intimidate the members of the family of such other person, or
- (v) moves or acts in a manner which causes or is calculated to cause alarm or danger to the person or property of such other person;

(i) "money-lender" means a person whose main or subsidiary occupation is the business of advancing and realising loans, but excludes a bank or a co-operative society;

Explanation: — Where a person who carries on in the Union territory the business of advancing and realising loans in resident outside the Union territory, the agent of such person resident in the Union territory shall be deemed to be the money-lender in respect of that business for the purposes of this Act;

(j) "notification" means a notification published in the Official Gazette;

(k) "prescribed" means prescribed by rules made under this Act;

(l) "principal" in relation to a loan means the amount actually lent to the debtor;

(m) "Union territory" means the Union territory of Goa, Daman and Diu;

(n) "Year" means the financial year.

3. Money-lender to obtain licence. — (1) No person shall, on and after the date on which the provisions of this Act are brought into force, carry on, or continue to carry on, business as money-lender in the Union territory, except under and in accordance with the terms of a licence.

(2) Where a money-lender has more than one shop or place of business, whether in the same town or village or in different towns or villages, he shall obtain a separate licence in respect of each such shop or place of business.

(3) (a) Where a money-lender is a registered firm the licence shall be obtained in the firm's name.

(b) Where a money-lender is an undivided Hindu family, the licence shall be obtained in the name of the manager, or a person having control over the affairs of the business of such undivided family, as the case may be, described as such in the licence.

(c) Where a money-lender is any other association of individuals, not required to be registered under the Companies Act, 1956 (Central Act 1 of 1956), a separate licence shall be obtained by each

such individual in his name describing himself as a member of the association:

Provided that nothing contained in this sub-section shall affect the operation of section 69 of the Indian Partnership Act, 1932 (Central Act 9 of 1932).

4. Grant and refusal of licences. — (1) Every application for a money-lender's licence shall be in writing and shall be made to the licensing authority prescribed under this Act:

Provided that a person under the age of eighteen years shall be eligible to apply for a licence only through a guardian:

Provided further that if any person acting as a guardian on behalf of a minor applies for and obtains a licence under this Act, such guardian shall be subject to all the provisions of this Act as if the licence has been granted to himself.

(2) Every licence shall be granted in such form and subject to such conditions as may be prescribed including conditions as to payment of licence fees not exceeding one hundred rupees.

(3) The licensing authority may by order in writing refuse to grant a licence if such authority is satisfied —

(a) that the applicant has not complied with the provisions of this Act or the rules made thereunder in respect of an application for the grant of a licence; or

(b) that the applicant has made wilful default in complying with or knowingly acted in contravention of any requirement of this Act; or

(c) that the applicant has —

(i) knowingly participated in or connived at any fraud or dishonesty in the conduct of or in connection with the business of money-lending; or

(ii) been found guilty of an offence under Chapter XVII or Chapter XVIII of the Indian Penal Code, 1860 (Central Act 45 of 1860); or

(iii) been found guilty of an offence under section 11 or section 13 on two or more occasions; or

(d) that the applicant has had his licence cancelled within six months before the date of application.

(4) Any person aggrieved by an order of the licensing authority under sub-section (3) may, within one month from the date of communication of such order to him, appeal to the prescribed authority.

(5) Every licence granted under this Act shall, subject to the provisions of sub-section (7), expire on the last day of the year in which it was granted.

(6) A licence granted under sub-section (2) may be renewed from year to year and the provisions of sub-sections (1) to (5) shall apply in relation to the renewal of a licence as they apply in relation to the grant of a licence.

(7) If orders refusing to renew a licence are not communicated to a money-lender by the licensing authority before the expiry of his current licence, the money-lender shall, notwithstanding such expiry, be deemed to have a valid licence till orders are received by him on his application for renewal.

(8) Nothing in this section shall be deemed to disentitle a money-lender, whose licence has expired or has not been renewed, from taking steps to recover any loan advanced during the period when the licence was in force.

5. *Change of place of business by money-lender.* — No money-lender shall change his place of business without previous notice to the licensing authority and without having the address of the new place of business duly endorsed on his licence.

6. *Money-lenders to exhibit their names over shops.* — Every money-lender shall always keep exhibited over his shop or place of business his name with the word "money-lender" and its equivalent in the regional language.

7. *Interest and charges allowed to money-lenders.* — No money-lender shall charge interest on any loan at a rate exceeding nine per cent per annum, simple interest, where the loan is a secured loan, or at a rate exceeding twelve per cent per annum, simple interest, where the loan is not a secured loan.

8. *Power to deposit in Court money due on loan.* — (1) Where a money-lender refuses to accept the whole or any portion of the money or other property due in respect of his loan, the debtor may deposit the said money or property into the Court having jurisdiction to entertain a suit for recovery of such loan and apply to the Court to record full or part-satisfaction of the loan, as the case may be.

(2) Where any such application is made, the Court shall, after due inquiry, pass orders recording full or part-satisfaction of the loan, as the case may be.

(3) The procedure laid down in the Code of Civil Procedure, 1908 (Central Act 5 of 1908) for the trial of suits shall, as far as may be, apply to applications under this section.

(4) An appeal shall lie from an order passed by a Court under sub-section (2) as if such an order relates to the execution, discharge or satisfaction of a decree within the meaning of section 47 of the Code of Civil Procedure, 1908 (Central Act 5 of 1908).

9. *Money-lender to keep books, give receipts, etc.* — (1) Every money-lender shall —

(a) regularly record and maintain or cause to be recorded and maintained, an account showing for each debtor separately —

(i) the date of the loan, the amount of the principal of the loan, the rate of interest charged on the loan and the nature of security taken, if any; and

(ii) the amount of every payment received by the money-lender in respect of the loan, and the date of such payment;

(b) give to the debtor or his agent a receipt for every amount paid by him, duly signed and, if necessary, stamped at the time of such payment;

(c) on requisition in writing made by the debtor furnish to him, or, if he so requires, to any person mentioned by him in that behalf in his requisition a statement of account signed by himself or his agent, showing the particulars referred to in clause (a) and also the amount which remains

outstanding on account of the principal and of interest and charge such fee therefor as the Government may prescribe:

Provided that no such statement shall be required to be furnished to a debtor if he is supplied by the money-lender with a pass book in the prescribed form containing an up-to-date account of the money-lender's transactions with the debtor; and

(d) submit such returns relating to the loans advanced by him to the Inspector concerned, in such form and at such times as may be prescribed.

(2) All records or entries made in the books, accounts and documents referred to in sub-section (1) shall be in such language as may be prescribed in respect of any area.

(3) A debtor to whom a statement of account has been furnished under clause (c) of sub-section (1) and who fails to object to the correctness of the account shall not by such failure alone be deemed to have admitted the correctness of such account.

(4) In the receipts to be given under clause (b) of sub-section (1) or in statement of account to be furnished under clause (c) of that sub-section, the figures shall be entered only in international form of Indian numerals.

(5) In any suit or proceeding relating to a loan if the Court finds that a money-lender has not maintained an account as required by clause (a) of sub-section (1), he shall not be allowed his costs.

(6) If any money-lender fails to give the debtor or his agent a receipt as required by clause (b) of sub-section (1) or to furnish on a requisition made under clause (c) of that sub-section a statement of account as required therein within one month after such requisition has been made, he shall not be entitled to any interest for the period of his default.

(7) Notwithstanding any agreement between the parties or any law for the time being in force, when a statement is furnished to a debtor under this section on any day during a month, the interest due shall be calculated as payable for the entire month irrespective of the fact that such statement is furnished on any such day.

10. *Appointment of Inspectors and their powers.* —

(1) The Government may, by notification, appoint one or more persons to be Inspectors for the purposes of this Act and specify in such notification the local limits of their jurisdiction.

(2) Every Inspector shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act 45 of 1860).

(3) (a) (i) A Magistrate of the first class may, on receiving a report from an Inspector that a person carries on without a licence or that a money-lender carries on in contravention of the provisions of this Act or the conditions of the licence granted thereunder the business of money-lending at any place within the jurisdiction of such Magistrate, issue a warrant empowering the Inspector to enter such place with such assistants as he considers necessary and inspect the books, accounts, records, files, documents, safes, vaults and pledges in such premises.

(ii) On receiving the warrant referred to in sub-clause (i), the Inspector may enter the place and inspect the books, accounts, records, files, documents, safes, vaults and pledges in such premises and may take to his office for further investigation such books, accounts, records, files and documents as he considers necessary:

Provided that if the Inspector removes from the premises any books, accounts, records, files and documents, he shall give to the person in charge of the place, a receipt describing the books, accounts, records, files and documents so removed by him:

Provided further that within twenty-four hours of the removal of the books, accounts, records, files and documents from the premises, the Inspector shall either return them to the person from whose custody they were removed or produce them in the Court of the Magistrate who issued the warrant and such Magistrate may return the books, accounts, records files and documents or any of them to the person from whose custody they were removed by the Inspector, after taking from such person such security as the Magistrate considers necessary for the production of the books, accounts, records, files and documents when required whether by the Inspector or by the Court, or may pass such other orders as to their disposal as appear just and convenient to the Magistrate.

(b) An Inspector shall have authority to require any person whose testimony he may require regarding any loan or any money-lending business to attend before him or to produce or cause to be produced any document and to examine such person on oath.

(4) An Inspector may apply for assistance to an officer-in-charge of a police station and take police officers to accompany and assist the Inspector in performing his duties under this Act.

11. *Money-lender advancing smaller amount or securing higher interest than that specified in the accounts, etc., to be punishable.*— (1) Any money-lender whether licensed or not—

(a) who actually advances an amount less than the amount shown in his accounts or registers or other document relating to the loan, or

(b) who takes or receives interest or any other charge at a rate higher than the rate shown in the accounts, registers or documents aforesaid or allowed under this Act shall be punished with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both.

(2) If a money-lender is convicted of an offence under sub-section (1), the Court convicting him may cancel his licence as a money-lender.

12. *Cognizance of offences.*— No Court shall take cognizance of an offence punishable under this Act or the rules made thereunder except on a complaint in writing made by any prescribed authority.

13. *Penalty for molestation of debtor.*— Whoever molests or abets the molestation of any debtor for the recovery of any loan shall be punished with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both.

14. *Power to cancel licences, etc.*— (1) The licensing authority may, at any time, during the term of any licence, cancel it by order in writing—

(a) if the licensee carries on the business in contravention of any of the provisions of this Act or the rules made thereunder or of the conditions of the licence, or

(b) if any reason for which the licensing authority could have refused to grant the licence to the money-lender under sub-section (3) of section 4, is brought to the notice of that authority after the grant of the licence, or

(c) if the licensee is convicted for an offence under section 11 or section 13, or

(d) if the licensee maintains false accounts or is found to molest or abet the molestation of any debtor for the recovery of any debt.

(2) Before cancelling a licence under sub-section (1), the licensing authority shall give the licensee a notice in writing stating the grounds on which it is proposed to take action and requiring him to show cause against it within such time as may be specified in the notice.

(3) Any person aggrieved by an order of the licensing authority cancelling a licence, may, within one month of the date of communication of such order to him, appeal to the prescribed authority.

15. *Publication of order of cancellation.*— Every order of cancellation of a licence under this Act shall be notified in the Official Gazette and also on the notice board of the office of the licensing authority.

16. *No compensation for cancellation of licence.*— A person whose licence is cancelled under section 14 shall not be entitled to any compensation in respect of such cancellation or to the refund of any fee paid in respect of such licence.

17. *Penalty for carrying on business without licence.*— Whoever carries on the business of money-lending without a licence or otherwise than in conformity with the terms and conditions of a licence shall be punished with fine which may extend to one thousand rupees:

Provided that a person shall not be deemed to carry on the business of money-lending without a licence, if he had ceased to carry on the business of money-lending but was taking steps to recover any loan advanced by him.

18. *Penalties.*— (1) Whoever contravenes any of the provisions of this Act or of any rule made thereunder or of any terms or conditions of a licence granted or deemed to be granted thereunder or makes a claim or a statement which is false or which he does not believe it to be true shall, if no other penalty is elsewhere provided for in this Act for such contravention, be punished with fine which may extend to one thousand rupees.

Explanation.— The cancellation of a licence under section 14 shall not be deemed to be a penalty for the purposes of this sub-section.

(2) Where a contravention of any of the provisions of this Act or any rule made thereunder of

which a person is convicted consists of an omission to do a thing, the Magistrate may, when convicting the offender, direct him to do the thing before an appointed day and may on the failure of the offender to do the thing before the said day, pass an order, whether the offender appears in court or not on that day, cancelling his licence.

19. *Transfer of licence to heir.* — (1) Where a licensee under this Act dies, any person claiming to be his legal representative may apply to the licensing authority for transferring in his name the licence standing in the name of the deceased.

(2) Every such application shall be in such form and shall contain such particulars as may be prescribed.

(3) The licensing authority may, if he is satisfied that the applicant is in fact the legal representative of the deceased and that he is otherwise eligible to a licence under this Act, transfer the licence in the name of the applicant after obtaining from the applicant a declaration in the prescribed form.

(4) Any licence transferred under sub-section (3) shall be deemed to have been granted to the applicant himself and shall be valid for the period for which it would have been valid if the licence had not been transferred, and the provisions of this Act shall apply accordingly.

20. *Jurisdiction to try offences.* — No Court inferior to that of a Magistrate of the first class shall try any offence punishable under this Act.

21. *Contracts not to be void on account of offence.* — Where a money-lender is guilty of an offence punishable under this Act any contract made by him in relation to his business of money-lending shall not be void by reason only of that offence nor shall he, by reason only of that offence, lose his right to the loan and the interest and other charges, if any, payable in respect thereof.

22. *Power to make rules.* — (1) The Government may make rules to carry out all or any of the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for —

(a) the form and the particulars to be contained in an application for a licence under this Act;

(b) the terms and conditions subject to which a licence may be granted;

(c) the form in which books, accounts and documents specified in this Act shall be recorded, maintained, kept or used;

(d) the procedure which should be followed and the powers which may be exercised by the authorities exercising functions, holding inquiries and hearing appeals under this Act;

(e) any other matter which under this Act is to be or may be prescribed.

(3) All rules made under this Act shall, as soon as may be after they are made, be laid before the Legislative Assembly of Goa, Daman and Diu, while it is in session for a total period of fourteen days which may be comprised in one session or in two

successive sessions, and if before the expiry of the session in which they are so laid, or the session immediately following, the Legislative Assembly makes any modifications in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

23. *Repeal.* — (1) (a) The Legislative Diploma No. 1063 dated 17th August, 1939 is hereby repealed;

(b) The Goa, Daman and Diu Usuary Laws (Amendment) Act, 1965 (12 of 1965) is hereby repealed.

(2) The Provisions of the General Clauses Act, 1897 (Central Act 10 of 1897) shall apply to the repeal under sub-section (1) as if the enactments referred to therein were Central Acts.

Statement of Objects and Reasons

So far in this Union territory there is no adequate regulation to control the money lending activity. It may not be incorrect to presume that, besides banking agencies, there are many other private money lenders who exploit the loanees with high rate of interest. However, this remains undetected to a great extent. The instant Bill is aimed at regulating the money lending activity by a Government Department with a view to make available the loans to the needy persons by private money lenders at a fair rate of interest so that the needy persons are not exploited.

Financial Memorandum

The implementation of the proposed Act contemplates appointment of officers such as Registrar, Assistant Registrars, Inspectors and others. The volume of work-load at the initial implementation of the Act may not be substantial necessitating full fledged staffing component and, therefore, the initial administrative set up may be composed by conferment of ex-officio status of Registrar upon an Officer with collateral duties preferably, the Registrar of Co-operative Societies or the Commissioner of Revenue and Taxes in the Administration, duly providing under him two zonal offices each composed of one Assistant Registrar, one Inspector and requisite staffing nucleus. The estimated annual expenditure required to be thus incurred at the formative stage towards establishment as well as equipment of offices would be of the order of Rs. 80,000/-.

Memorandum Regarding Delegated Legislation

Section 22 of the Bill empowers the Government to make rules for carrying out the purposes of the Act. These powers are of a normal character providing only for the details of procedure for facilitating the working of the Act.

Panaji,
4th October, 1976

SHASHIKALA KAKODKAR
Chief Minister

Assembly Hall,
Panaji,

M. M. NAIK
Secretary to the Legislative
11th October, 1976. Assembly of Goa, Daman and Diu.

LA/B/7/25/2742/76

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 13th October, 1976 is hereby published for general information in pursuance of the provisions of Rule 136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa, Daman and Diu Motor Vehicles (Taxation on Passengers and Goods) (First Amendment) Bill, 1976

(Bill No. 25 of 1976)

A
BILL

to amend certain provisions of the Goa, Daman and Diu Motor Vehicles (Taxation on Passengers and Goods) Act, 1974.

BE it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty-seventh Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Goa, Daman and Diu Motor Vehicles (Taxation on Passengers and Goods) (First Amendment) Act, 1976.

(2) It shall come into force at once.

2. *Insertion of new section 23.*—After section 22 of the Goa, Daman and Diu Motor Vehicles (Taxation on Passengers and Goods) Act, 1974 (10 of 1974) the following shall be inserted, namely:—

“23. Power to exempt certain passengers from payment of tax.—The Government may, by notification in the Official Gazette, exempt totally or partially from payment of tax the passengers carried by stage carriages plying exclusively within a municipal area or exclusively on such routes serving municipal and adjacent areas as may be specified in the notification, or passengers carried in stage carriages or contract carriages on such inter-state routes as may be specified in the notification or carried by stage carriages operating in furtherance of any educational, medical, philanthropic or other objects or carried by tourist vehicles covered by permits granted under sub-section (7) of section 63 of the Motor Vehicles Act, 1939 (4 of 1939).”

Statement of Objects and Reasons

In order to facilitate unrestricted countrywide operation of tourist vehicles it is proposed to exempt the passengers carried in transport vehicles registered in another State in India and chartered by tourists and carrying special distinguishing marks specified by the Government of India under sub-section (7) of section 63 of the Motor Vehicles Act, 1939 from the passengers tax payable to the Union territory of Goa, Daman and Diu provided similar reciprocal exemption is granted in such other States to passengers carried in transport vehicles registered in the Union territory of Goa, Daman and Diu which are hired by tourists, and carry a special distinguishing mark. It is also proposed to exempt from payment of tax the passengers carried by stage

carriages plying exclusively within a municipal area or passengers carried in stage carriages or contract carriages on inter-State routes or carried by stage carriages operating in furtherance of any educational, medical, philanthropic, or other objects.

The Bill seeks to achieve the above purposes.

Financial Memorandum

Although the implementation of the scheme will affect the current level of revenue of this Union territory to some extent it is desirable that larger interests of the country are kept in view. The number of tourist vehicles which may have to be given this exemption, will be very small as compared to the total number of vehicles visiting this Union territory from other States, both on regular and temporary permits. Moreover, since the exemption on reciprocal basis, vehicles of this Union territory of Goa, Daman and Diu covered by the scheme will be exempted from taxation in all other States and Union territories. This will help the tourist transport industry of this Union territory to develop.

Panaji,
9th October, 1976

SHASHIKALA KAKODKAR
Chief Minister

Assembly Hall,
Panaji,
11th October, 1976.

M. M. NAIK
Secretary to the Legislative
Assembly of Goa, Daman and Diu.

LA/B/7/26/2743/76

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 13th October, 1976 is hereby published for general information in pursuance of the provisions of Rule 136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control (Amendment) Bill, 1976

(Bill No. 26 of 1976)

A
BILL

further to amend the provisions of the Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Act, 1968.

BE it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty-seventh Year of the Republic of India as follows:—

1 *Short title and commencement.*—(1) This Act may be called the Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control (Amendment) Act, 1976.

(2) It shall come into force at once.

2. *Amendment of section 23.*—In proviso to sub-section (1) of section 23 of the Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Act, 1968 (Act No. 2 of 1969) (hereinafter called the 'Principal Act') for the words “this clause”, the words “this sub-section” shall be substituted.

3. Insertion of new section. — After section 23 of the Principal Act, the following section shall be inserted, namely:—

"23A. Right to recover immediate possession of premises to accrue to certain persons. — (1) Where a landlord who, being a person in occupation of any residential premises allotted to him by the Government or any local authority is required, by, or in pursuance of any general or special order made by the Government or such authority to vacate such residential accommodation or in default, to incur certain obligations, on the ground that he owns in the place where such residential premises has been allotted to him either by the Government or by such local authority, a residential accommodation either in his own name or in the name of his wife or dependent child there shall accrue on and from the date of such order to such landlord, notwithstanding anything contained elsewhere in this Act or in any other law for the time being in force or in any contract (whether express or implied), custom or usage to the contrary, a right to recover immediately possession of any premises let out by him:

Provided that nothing in this section shall be construed as conferring a right on a landlord owning in the place where the residential accommodation has been allotted to him by the Government or such local authority two or more dwelling houses whether in his own name or in the name of his wife or dependent child, to recover the possession of more than one dwelling house and it shall be lawful for such landlord to indicate the dwelling house, possession of which he intends to recover.

(2) Notwithstanding anything contained elsewhere in this Act or in any other law for the time being in force or in any contract, custom or usage to the contrary, where the landlord exercises the right of recovery conferred on him by sub-section (1), no compensation shall be payable by him to the tenant or any person claiming through or under him and no claim for such compensation shall be entertained by any court, tribunal or other authority:

Provided that where the landlord had received,—

(a) any rent in advance from the tenant, he shall, within a period of ninety days from the date of recovery of the premises by him, refund to the tenant such amount as presents the rent payable for the unexpired portion of the contract, agreement or lease;

(b) any other payment, he shall, within the period aforesaid, refund to the tenant a sum which shall bear the same proportion to the total amount as received, as the unexpired portion of the contract or agreement or lease bears to the total period of contract or agreement or lease:

Provided further that, if any default is made in making any refund as aforesaid the landlord shall be liable to pay simple interest at the rate of six percent per annum.

(3) Notwithstanding anything contained in this Act —

a) a landlord, who is a member of the armed forces of the Union, or who was such member

and is duly retired (which term shall include premature retirement) shall be entitled to recover possession of any premises on the grounds that the premises are bonafide required by him for occupation by himself or any member of his family (which term shall include a parent or other relation originally residing with him and dependent on him), and the Court shall pass a decree for eviction on such ground if the landlord, at the hearing of the suit, produces a certificate signed by the Head of his services or his Commanding Officer to the effect that —

i) he is presently a member of the armed forces of the Union or he was such member and is now retired ex-servicemen;

ii) he does not possess any other suitable residence in the local area where he or the members of his family can reside;

(b) Where a member of the armed forces of the Union dies while in service or such member is duly retired as stated above and dies within five years of his retirement, his widow, who is or becomes a landlord of any premises, shall be entitled to recover possession of such premises, on the ground that the premises are bonafide required by her for occupation by herself, her husband's parent another relation ordinarily residing with her and the Court shall pass a decree for eviction on such ground, if such widow, at the hearing of the suit, produces a certificate signed by the Area or Sub-Area Commander within whose jurisdiction the premises are situated to the effect that —

i) she is a widow of a deceased member of the armed forces as aforesaid;

ii) she does not possess any other suitable residence in the local area where she or the members of her family can reside.

Explanation. — For the purposes of this section any certificate granted thereunder shall be conclusive evidence of the facts stated therein."

4. Amendment of section 47. — In section 47 of the Principal Act, after the word "may" and before the words "pass such other order", the words "remand the case for disposal with such directions as deemed fit or" shall be inserted.

Statement of Objects and Reasons

The Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Act, 1968 contains no provision empowering a Government Servant occupying Government flat or an Ex-Servicemen to recover immediate possession of the residential premises owned by him when he needs it for his own occupation. A Government servant as also an Ex-Servicemen should be given powers to move the appropriate Court to summarily evict his tenant when he genuinely requires a residential premises leased out by him. Clause 3 of the Bill seeks to achieve this purpose.

During the implementation of the said Act, it has also been found that there is no express provision for remand of the cases by the Appellate or Revisional Authority to the Lower Court. The powers of remand are generally enjoyed by the Appellate Courts and therefore it has been found extremely necessary that these Courts should have such powers

under this Act. Clause 4 of the Bill contemplates for inserting necessary provision is the principal Act for enabling the Appellate Authority to remand the cases to the Lower Courts.

Clause 2 of the Bill seeks to cure a printing mistake in the clause 23 of the Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Act, 1968.

Financial Memorandum

No Financial implications are involved in this Bill.

Panaji,
12th October, 1976

PRATAP Singh RANE
Minister for Revenue

Assembly Hall,
Panaji,
12th October, 1976

M. M. NAIK
Secretary to Legislative Assembly
of Goa, Daman and Diu.

(Annexure to Bill No. 26 1976)

The Goa, Daman and Diu Buildings (Lease, Rent and Eviction)
Control (Amendment) Bill, 1976

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The Goa, Daman and Diu Buildings (Lease, Rent and Eviction)
Control Act, 1968

(Act No. 2 of 1969)

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23. *Landlord's right to obtain possession.* — (1) A landlord may subject to the provisions of section 24, apply to the Controller for an order directing the tenant to put him in possession of the building —

(a) in case it is residential building. —

(i) if the landlord is not occupying a residential building of his own in the city, town or village concerned

and he requires it for his own occupation or for the occupation of any member of his family, or

(ii) if the landlord who has more buildings than one in the city, town or village concerned is in occupation of one such building and he bonafide requires another building instead, for his own occupation;

(b) in case it is a non-residential building which is used for the purpose of keeping a vehicle or adapted for such use, if the landlord requires it for his own use and if he is not occupying any such building in the city, town or village concerned which is his own or to the possession of which he is entitled whether under this Act or otherwise:

Provided that a person who becomes a landlord after the commencement of the tenancy by an instrument 'inter vivos' shall not be entitled to apply under this clause before the expiry of five years from the date on which the instrument was registered:

Provided further that where a landlord has obtained possession of a building under this section, he shall not be entitled to apply again under this section —

(i) in case he has obtained possession of a residential building possession of another residential building of his own;

(ii) in case he has obtained possession of a non-residential building for possession of another non-residential building of his own.

47. *Powers of appellate and revisional authorities.* — Any appellate or revisional authority under this Act may confirm, modify or rescind the order in appeal or revision or its execution or may pass such other order as is legal and is in accordance with the provisions of this Act:

Provided that no order shall be varied in revision unless an opportunity has been given to the interested parties to appear and be heard:

Provided further that every order passed by the Authorised Officer, the Controller or the Rent Tribunal shall be final, unless varied in appeal or revision and every order passed in appeal or revision shall be final.

Assembly Hall,
Panaji,
12th October, 1976.

M. M. NAIK
Secretary to the Legislative
Assembly of Goa, Daman
and Diu